

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 1, 4-6 and 8-11 are in the case.

I. THE INTERVIEW

At the outset the undersigned wishes to thank the Examiner (Mr. Dawson) for kindly discussing this case. The interview was conducted by telephone on July 7, 2005, and the Examiner's helpful comments and suggestions were most appreciated. The substance of the interview will be clear from the comments presented below.

II. THE ANTICIPATION REJECTION

Claims 1-5 and 11 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent 5,460,171 to Pesenti et al. That rejection is respectfully traversed.

As claimed, the present invention provides an actuator for a pressurized metered dose inhaler. The actuator comprises a tubular section providing an outlet through which medicament is in use inhaled, a nozzle block having a first tubular element with an outer radial surface and a free end and a second tubular element having an inner radial surface. The first and second tubular elements are co-axial with each other, with the outer and inner radial surfaces being spaced from each other to define an annular space between the inner and outer radial surfaces. A spray orifice is provided in fluid communication with the first tubular element for directing a spray into the tubular section. In use, the valve stem of a canister is located over the free end of the first

tubular element and in the annular space. Support for the claims as amended appears in Figure 4 and in the disclosure at pages 4 and 5. No new matter is entered.

As noted on page 1 of the application, a disadvantage associated with prior metered dose inhalers is that medicament tends to deposit in the valve stems of the canisters. This leads to possible blockage and/or contamination which is undesirable. In the present invention, the nozzle block of the actuator is provided with a tubular element over which the valve stem of the canister is located. In this way, medicament discharged from the canister deposits on the inner radial surface of the tubular element and not in the valve stem of the canister. In this way, build up of deposit is minimized, and any excess deposit may be removed by washing the actuator.

Pesenti does not disclose (or suggest) the actuator as now claimed. As discussed during the interview, there is no disclosure (or suggestion) in Pesenti of a nozzle block having first and second tubular elements spaced apart to define an annular space therebetween such that, in use, a valve stem of a canister is received in the annular space. Absent any such structural disclosure in Pesenti, there can be no anticipation by that reference. Reconsideration and withdrawal of the outstanding anticipation rejection are accordingly respectfully requested.

III. SPECIFICATION

The specification has been amended to include customary headings, including a brief description of the drawings. No new matter is entered.

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IV. ALLOWABLE SUBJECT MATTER

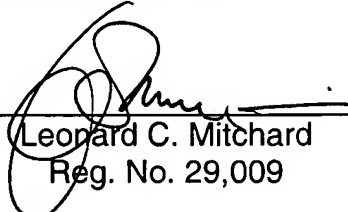
It is noted, with appreciation, that claims 6-10 are allowable. With the arguments presented above, it is believed that all of the claims of this application are now in allowable condition. Early notice to that effect is respectfully requested.

Favorable action on this application is awaited.

Respectfully submitted,

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